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Attorneys for Defendant **STEVEN TESTER**

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

US District Court Judge Marilyn H. Patel

Case Number: 3:06-CR00067-MHP-ALL

v.

**STIPULATED MOTION TO
CONTINUE DATE FOR STATUS AND
TO SET**

STEVEN TESTER

Defendant.

The parties stipulate and agree, and the Court finds and holds as follows:

That Mr. Tester's first appearance before this Court was on February 24, 2006, but was continued until March 13, 2006 at 10:00a.m, as Ms. Rajan, the Assistant United States Attorney handling this matter, was in trial. However, as Mr. Tester is currently hospitalized and the defense has yet to receive any discovery in this matter, the parties are requesting that this matter be continued until April 3, 2006 at 10:00am.

Time should be excluded pursuant to Title 18, United States Code Section 3161(h)(8)(A) and (B) on the grounds that counsel for the defense will not be prepared to adequately represent his client, taking into account the exercise of due diligence, without a continuance, and the ends of justice

NOTICE OF MOTION TO
CONTINUE DATE FOR STATUS AND TO SET

1 served by taking such action outweigh the best interest of the public and the defendant in a speedy
2 trial.

3 The defense and government are jointly requesting this continuance.

4 DATED this 10th day of March, 2006.

5
6 By: _____/s/_____
7 **DOUGLAS L. RAPPAPORT**
8 Attorney for Defendant
9 **STEPHEN TESTER**
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11
12 By: _____/s/_____
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26 **DOUGLAS L. RAPPAPORT (CSBN 136194)²**

27 NOTICE OF MOTION TO
28 CONTINUE DATE FOR STATUS AND TO SET

1 **MICHELLE M. THOMSON (CSBN 193658)**

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6 Attorneys for Defendant **STEVEN TESTER**

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8 UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,

US District Court Judge Marilyn H. Patel
Case Number: 3:06-CR00067-MHP-ALL

14 ~~**[PROPOSED]**~~ ORDER

15 STEVEN TESTER,
16 Defendant.

17
18 **ORDER**

19 Upon stipulation of the parties to the above-entitled matter and good cause appearing,

20 FINDINGS OF THE COURT:

21 1. The ends of justice served by the granting of the continuance outweigh the best interests
22 of the public and the defendant in a speedy and public trial.

23 2. The failure to grant such a continuance in this case would deny counsel for the defendant
24 the reasonable time necessary for effective preparation, taking into account the exercise of due
25 diligence.

26 //

27 //

1 IT IS HEREBY ORDERED that a period of time from the signing of this Order until the
2 next court date be excluded under the speedy trial act, 18 U.S.C. Section 3161(H)(8)(A) and (B).

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5 DATED: March 13, 2006

